

# State of South Dakota

## SEVENTY-EIGHTH SESSION LEGISLATIVE ASSEMBLY, 2003

570I0482

### SENATE BILL NO. 72

Introduced by: Senators McCracken, Apa, Bogue, Moore, Sutton (Dan), and Vitter and  
Representatives Konold, Burg, Cutler, Frost, Madsen, Nesselhuf, Schafer,  
Sebert, Sigdestad, and Wick

1 FOR AN ACT ENTITLED, An Act to revise certain provisions related to notice for insufficient  
2 funds checks.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-41-3.1 be amended to read as follows:

5 22-41-3.1. The holder of an insufficient funds check shall, before presenting it to the state's  
6 attorney for prosecution, serve a notice of dishonor upon the writer of the check, by registered  
7 or certified mail, return receipt requested, or by regular mail, supported by an affidavit of mailing  
8 sworn and retained by the sender, in the United States mail and addressed to the recipient's most  
9 recent address known to the sender. If the notice is mailed and not returned as undeliverable by  
10 the United States Postal Service, notice shall be conclusively presumed to have been given on  
11 the date of mailing. The holder of the dishonored check shall upon return of the receipt hold it  
12 for a period of at least five days and upon the expiration of that period shall present the check  
13 with the attached bank return, return receipt, and copy of the dishonor notice to the state's  
14 attorney for prosecution.

